



DRAFT

10/16/77

Office of the Assistant Attorney General

Washington, D.C. 20530

The Speaker
House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

Attached for your consideration and appropriate reference is a draft bill to deal with the problem of criminal terrorism. A section-by-section analysis is also enclosed.

The bill generally tightens existing criminal sanctions against acts frequently committed by terrorists and fills several gaps in the present law that have come to our attention in recent years. It also serves to carry out our obligations mandated by two treaties designed to combat terrorism, The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (24 U.S.T. 567), signed at Montreal on September 23, 1971, and ratified by the United States in November of 1972; and The International Convention Against the Taking of Hostages, adopted by the United Nations General Assembly on December 17, 1979 (18 International Legal Materials 1456). Aircraft hijacking and sabotage and the taking of hostages are among the most dangerous of all terrorist acts. Finally, the bill contains a provision for the payment of rewards to those persons who provide information, often at great personal risk, concerning an act of terrorism or which prevents such an act.

The bill is divided into five titles. Title I would make it a crime to conspire in the United States to kill or commit a crime of violence against an official of a foreign power outside of the United States. The title also slightly expands and brings up-to-date existing provisions prohibiting a conspiracy in the United States to destroy important types of property such as airports and factories in foreign countries.

Title II is closely patterned after S. 2255 and H.R. 5211 introduced in the 97th Congress. It is designed to prevent persons in the United States from providing technology and training to foreign governments that support terrorism and to international terrorist groups. The provision of such services by United States nationals overseas is also covered. The title also creates a new offense of falsely posing as a person employed by or working with a United States intelligence agency such as

- 2 -

the CIA and in that capacity inducing another person to commit a crime due to a belief that the offense was part of an authorized intelligence activity.

Title III provides for the payment of rewards for persons who furnish information about specific acts of terrorism. It is patterned after a similar reward provision for persons who relate information concerning the unauthorized acquisition or manufacture of nuclear materials, 50 U.S.C. 47a-47f, and authorizes the Attorney General to determine when persons are eligible for a reward.

Title IV of the bill is designed to implement the provisions of The Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, a copy of which is attached for easy reference. The Convention sets out the responsibilities of the signatory countries in responding to such common terrorist activities as aircraft hijacking and aircraft sabotage. This title fulfills our obligation, which we accepted by ratifying the treaty over a decade ago, to establish criminal jurisdiction over certain aircraft related offenses including extraterritorial jurisdiction over some offenses involving aircraft or air navigation facilities of other contracting countries if the perpetrator is found within our borders.

Title V is intended to implement the International Convention Against the Taking of Hostages, a copy of which is attached. This Convention was transmitted to the Senate on August 4, 1980, and is awaiting ratification. When it is ratified, the United States will incur an obligation to enact laws to provide sanctions against those persons who commit the offense of hostage-taking, a common tactic of terrorists in which a person is kidnaped and a threat is made to kill, to injure, or to continue to hold him to compel action on the part of a third party or government. This title makes appropriate modifications in the federal kidnaping statute to carry out this responsibility.

The draft bill we are submitting is designed to facilitate the carrying out by the federal government of its responsibility to prevent acts of terrorism and to deal appropriately with the perpetrators of those acts of terrorism that do occur. I urge that this proposal be given prompt and favorable consideration.

The Office of Management and Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration.

Sincerely,

Robert A. McConnell
Assistant Attorney General
Office of Legislative Affairs

TITLE I - ACTS OF TERRORISM

Sec. 101. (a) Chapter 45 of title 18, United States Code is amended by adding at the end thereof the following new section:

"971. Conspiracy to kill, kidnap, or injure a foreign official

"(a) Whoever within the jurisdiction of the United States conspires with one or more persons to commit at any place outside of the United States an act that would constitute any of the following offenses if committed in the special maritime and territorial jurisdiction of the United States namely,

"(1) Murder

"(2) Kidnaping

"(3) Maiming

"(4) Assault with a dangerous weapon, or

"(5) Assault with intent to commit serious bodily

injury,

involving a victim who is an official of a foreign power with which the United States is not at war, shall, if he or one of such other persons in fact commits any overt act with intent to effect any object of the conspiracy, be punished as follows --

"(A) for murder or kidnaping by imprisonment for any term of years or for life or a fine of not more than \$250,000 or both;

"(B) for maiming by imprisonment for not more than thirty years or a fine of not more than \$150,000, or both;

- 2 -

"(C) For assault with a dangerous weapon or assault with intent to commit serious bodily injury by imprisonment for not more than twenty years or a fine or not more than \$100,000, or both

"(b) For purposes of this section

"(1) the term 'official of a foreign power' means a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity and any member of his family, then forming part of his household; and

"(2) 'international organization' means a public international organization designated as such pursuant to section one of the International Organizations Immunities Act (22 U.S.C. 288)."

"(b) the analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"971. Conspiracy to kill, kidnap, or injure a foreign official."

Sec. 102. Subsection (a) of section 956 of title 18 is amended to read as follows:

Neutrality
Act
amendment

- 3 -

"(a) Whoever within the jurisdiction of the United States conspires with one or more persons to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is not at war, or any railroad, canal, bridge, airport, airfield or other public utility or public structure so situated, shall, if he or any such other person commits any act to effect the object of the conspiracy, be fined not more than \$50,000 or imprisoned not more than ten years, or both."

TITLE II - TRAINING, SUPPORTING AND INDUCING OF TERRORISM

Sec. 201. (a) Chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"972. Military and intelligence assistance to certain foreign governments, factions, and international terrorist groups

"(a) Except as provided in subsections (h) and (i), it shall be unlawful for any national of the United States, any permanent resident alien of the United States, or any United States business entity to willfully perform or attempt to perform any of the following acts:

"(1) serve in, or act in concert with, the armed forces or any intelligence agency of any foreign government, faction, or international terrorist group which is named in a proclamation in effect under subsection (d);

- 4 -

"(2) provide training in any capacity to the armed forces, any intelligence agency, or their agents of any foreign government, faction, or international terrorist group named in a proclamation in effect under subsection (d);

"(3) provide any logistical, mechanical, maintenance, or similar support services to the armed forces, any intelligence agency, or their agents of any foreign government, faction, or international terrorist group named in a proclamation in effect under subsection (d); or

"(4) recruit or solicit any person to engage in any activity described in subparagraphs (1) through (3) of this paragraph.

There is extraterritorial jurisdiction over a violation of this subsection.

"(b) It shall be unlawful for any person or entity within the boundaries of the United States, its territories or possessions, to willfully perform or attempt to perform any of the following acts:

"(1) provide training in any capacity to the armed forces, any intelligence agency, or their agents of any foreign government, faction, or international terrorist group named in a proclamation in effect under subsection (d);

- 5 -

"(2) provide any logistical, mechanical, maintenance, or similar support services to the armed forces, any intelligence agency, or their agents of any foreign government, faction, or international terrorist group named in a proclamation in effect under subsection (d); or

"(3) recruit or solicit any person to engage in any activity described in subparagraphs (1) or (2) of this paragraph.

"(c) Whoever violates this section shall be fined not more than five times the total compensation received for such violation, or \$25,000, whichever is greater, or imprisoned for not more than ten years, or both, for each such offense.

"(d) Whenever the President finds that the acts or likely acts of international terrorism of a foreign government, faction, or international terrorist group are such that the national security, foreign relations, or the physical security of the person or property of a private entity of the United States warrant a ban on the foreign government's, faction's or international terrorist group's receipt of services or other assistance in support of such acts as described in subsections (a) or (b), he may issue a proclamation naming such foreign government, faction, or international terrorist group for which such finding has been made. If the President finds that the conditions which were the basis for any proclamation issued under this section have ceased to exist, he may revoke such proclamation in whole or in part. Any such revocation shall not affect any action or

- 6 -

proceeding based on any act committed prior to the effective date of such proclamation. Any proclamation or revocation thereof issued pursuant to this section shall be published in the Federal Register and shall become effective immediately on publication.

"(e) For the purposes of this section, any finding of fact made in any proclamation issued pursuant to subsection (d) shall be conclusive. No question concerning the validity of the issuance of such proclamation may be raised by a defendant as a defense in or as an objection to any trial or hearing if such proclamation was issued and published in the Federal Register in accordance with subsection (d).

"(f) An affirmative defense shall exist with respect to any act committed outside of the United States within thirty days after the effective date of any proclamation affecting such person if the act was performed pursuant to an agreement or contract entered into prior to the effective date of the proclamation.

"(g)(1) Whoever has been convicted of a violation of this section, in addition to any other penalty prescribed by this section, shall forfeit to the United States --

"(A) any property constituting, or derived from, any proceeds he obtained, directly or indirectly, as a result of such violation; and

"(B) any of his property used, or intended to be used, to commit, or to facilitate the commission of, such violation.

- 7 -

"(2) The procedures in any criminal forfeiture under this section, and the duties and authority of the courts of the United States and the Attorney General with respect to any criminal forfeiture action under this section or with respect to any property that may be subject to forfeiture under this section, are to be governed by the provisions of section 1963 of this title.

"(h) This section shall not be construed to prohibit the provision of medical services or medical training for humanitarian purposes, or the recruitment or solicitation thereof.

"(i) Nothing in this section shall be construed to create criminal liability for the conduct of United States intelligence activities which are properly authorized and conducted in accordance with federal statutes and Executive orders governing such activities.

"(j) for the purposes of this section--

"(1) the term 'foreign government' has the meaning given it in section 1116(b) (2) of this title;

"(2) the term 'armed forces' includes any regular, irregular, paramilitary, guerrilla, or police force;

"(3) the term 'faction' includes any political party, body of insurgents, or other group which seeks to overthrow the government of, become the government of, or otherwise assert control over or influence any foreign country or

- 8 -

territory, possession, department, district, province, or other political subdivision of any such foreign country through the threat or use of force of arms:

"(4) the term 'group' means an association of persons, whether or not a legal entity;

"(5) the term 'international terrorist group' means a group which engages in international terrorism;

"(6) the term 'international terrorism' has the meaning given to it in section 101(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(c));

"(7) the term 'intelligence agency' means any entity which engages in the collection, analysis, or dissemination of information concerning the activities, capabilities, plan or intention of governments, organization, or persons, in whole or in part by covert means;

"(b) the term 'United States business entity' means any sole proprietorship, partnership, company, or association composed in whole or in part of nationals or permanent resident aliens of the United States or any corporation organized under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States,"

"(9) the term 'national of the United States' has the meaning given to it in section 101(a)(22) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(22)];

- 9 -

"(10) the term 'permanent resident alien of the United States' means an alien lawfully admitted for permanent residence in the United States as defined in Section 101(a)(20) of the Immigration and Nationality Act [8 U.S.C.1101(a)(20)]; and

"(11) the term 'private entity of the United States' means

"(A) an individual who is

"(i) a national of the United States; or

"(ii) a permanent resident alien of the United States;

"(B) an employee or contractor of the United States Government, regardless of nationality, who is the victim or intended victim of an act of terrorism by virtue of that employment;

"(C) a sole proprietorship, partnership, company or association composed in whole or in part of nationals or permanent resident aliens of the United States; or

"(D) a corporation organized under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States and any foreign subsidiary of such corporation."

(b) The analysis of chapter 45 of title 18, United States Code, is amended by adding at the end thereof the following new

- 10 -

"972. Military and intelligence assistance to certain foreign governments, factions, and international terrorist groups."

(c) Section 3238 of title 18, United States Code, is amended by --

(1) striking out "The" and inserting in lieu thereof "(a) Except as provided in subsection (b), the "; and

(2) adding at the end the following new subsection:

"(b) The trial of any offense under section 972 of this title which is committed out of the jurisdiction of any particular State or district may be in any district. Nothing contained in this subsection may be construed to restrict any right of a defendant under any rule in effect under section 3771 of this title."

(d) 5. Section 11 of title 18 is amended by inserting "972", after "sections 112, 878, 970,".

SEC. 202. (a) Chapter 43 of title 18, United States Code, is amended by adding at the end thereof the following new section:

918. Agents of the United States Intelligence Community

"(a) Whoever pretends to be an officer or employee of, or pretends to be acting under the authority of or in concert with, an agency within the United States Intelligence Community and in such pretended character requests or induces any other person to commit an offense punishable by imprisonment for one year or more under the laws of the United States, a State of the United States, a foreign government or a political subdivision of a foreign government, or to do an overt act to facilitate the

- 11 -

commission of any such offense shall be punished by imprisonment for not more than ten years or a fine of not more than \$50,000, or both.

"(b) It is not a defense to a prosecution under this section that

"(1) the offense or act requested or induced did not take place, or was not attempted, or

"(2) the agency in the United States Intelligence Community lacked the authority to request or induce such an act.

"(c) There is extraterritorial jurisdiction over an offense under this section.

"(d) For the purposes of this section the agencies within the United States Intelligence Community are:

"(1) The Central Intelligence Agency

"(2) The National Security Agency

"(3) The Defense Intelligence Agency

"(4) The offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs

"(5) The Bureau of Intelligence and Research of the Department of State, and

"(6) The Intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of Treasury, and the Department of Energy."

- 12 -

(b) The analysis of chapter 43 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"918 Agents of the United States Intelligence Community.".

- 13 -

TITLE III - REWARD FOR INFORMATION CONCERNING TERRORIST ACTS

Sec. 301. (a) Title 18 of the United States Code is amended by adding the following new chapter:

"Chapter 204 - Rewards for Information

Concerning Terrorist Acts

"Sec. "3071. Information for which rewards authorized; maximum, amount

"Sec. 3072. Determination of entitlement; consultation; Presidential approval; conclusiveness.

"3073. Aliens; waiver of admission requirements.

"3074. Hearings; rules and regulations.

"3075. Certification; approval; payment; sealing.

"3076. Exception of governmental officials.

"3077. Eligibility for witness protection programs.

"3078. Definitions.

"Sec. 3071. Information for which rewards authorized: maximum amount

"Any individual who furnishes information of the following types namely

"(a) Information leading to the arrest or conviction in any country of any individual or individuals for the commission of an act of terrorism against a United States person or United States property.

- 14 -

"(b) Information leading to the arrest or conviction in any country of any individual or individuals for conspiring or attempting to commit an act of terrorism against a United States person or United States property; or

"(c) Information leading to the prevention of an act of terrorism against a United States person or United States property;

may be rewarded in an amount not to exceed \$500,000.00

"3072. Determination of entitlement; consultation; Presidential approval; conclusiveness;

"The Attorney General shall, after advising and consulting with the Secretary of Defense, determine whether a person furnishing information to the United States pursuant to section 3071 is entitled to a reward and the amount to be paid. Before making a reward under this chapter in a matter involving international terrorism, the Attorney General shall also advise and consult with the Secretary of State. A reward of \$100,000 or more may not be made without the approval of the President. A determination made by the Attorney General or the President under this chapter shall be final and conclusive and no court shall have power or jurisdiction to review it.

"3073. Alien; waiver of admission requirements.

"If the information which would justify a reward under this chapter is furnished by an alien, the Attorney General, after consulting with the Secretary of State, may determine that the

- 15 -

entry of such alien into the United States is in the public interest and, in that event, such alien and the members of his immediate family may receive immigrant visas and may be admitted to the United States for permanent residence, notwithstanding the requirements of the Immigration and Nationality Act [8 U.S.C. 1101 et seq.]

"3074. Hearings; rules and regulations

"The Attorney General is authorized to hold such hearings and make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this chapter. The provisions of Subchapter II, chapter 5 of title 5 United States Code, do not apply to this chapter.

"3075. Certification; approval; payment; sealing

"Any reward granted under this chapter shall be certified by the Attorney General and transmitted to the Secretary of Defense for payment out of funds appropriated for the operation of the Department of Defense. If necessary to protect the life of the recipient of a reward and of his immediate family, such portion as is necessary of the materials transmitted to the Secretary of Defense may be sealed by the Attorney General to protect the recipient's identity.

"3076. Exception for governmental officials

"No officer or employee of any governmental entity who, while in the performance of his official duties, furnishes the information or renders the services described in section 3071 shall be eligible for any monetary reward under this Act.

- 16 -

3077. Eligibility for witness protection programs

"Any individual who furnishes information which would justify a reward under this chapter and his immediate family may, in the discretion of the Attorney General, participate in the Attorney General's witness protection program authorized under Title V of the Organized Crime Control Act of 1970.

"3078. Definitions

"As used in this chapter the term -

"(a) 'Act of terrorism' means an activity that ---

"(1) involves a violent act or an act dangerous to human life that is a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

"(2) appears to be intended ---

"(A) to intimidate or coerce a civilian population;

"(B) to influence the policy of a government by intimidation or coercion; or

"(C) to affect the conduct of a government by assassination or kidnaping.

"(b) 'international terrorism' means an act of terrorism which transcends national boundaries in terms of the means by which it is accomplished, the person or entity it appears intended to coerce or intimidate, or the locale in which the perpetrator operates or seeks asylum.

- 17 -

"(c) 'United States person' means -

"(1) a national of the United States as defined in Section 101(a)(22) of the Immigration and Nationality Act [8 U.S.C. 1101(a)(22)];

"(2) an alien lawfully admitted for permanent residence in the United States as defined in Section 101(a)(20) of the Immigration and Nationality Act [8 U.S.C. 1101 (a)(20);

"(3) any person within the United States;

"(4) any employee or contractor of the United States Government, regardless of nationality, who is the victim or intended victim of an act of terrorism by virtue of that employment;

"(5) a sole proprietorship, partnership, company, or association composed principally of nationals or permanent resident aliens of the United States; and

"(6) a corporation organized under the laws of the United States, any State, the District of Columbia, or any territory or possession of the United States and a foreign subsidiary of such corporation.

"(d) 'United States property' means any real or personal property which is within the United States or, if outside the United States, the actual or beneficial ownership of which rests in a United States person or any federal or State governmental entity of the United States.

"(e) 'United States' _

- 18 -

"(1) when used in a geographical sense, includes Puerto Rico and all territories and possessions of the United States; and

"(2) when used in the context of section 3073 shall have the meaning given to it in the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].

"(f) 'State' includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

"(g) 'government entity' includes the government of the United States, any State or political subdivision thereof, any foreign country, and any state, province, municipal or other political subdivision of a foreign country.

"(h) 'Attorney General' means the Attorney General of the United States or that official designated by the Attorney General to perform his responsibilities under this Act."

(b) The chapter analysis of Part II of title 18, United States Code, is amended by adding after the item relating to chapter 203 the following new item:

"204. Rewards for information concerning terrorist acts....3071".

- 19 -

TITLE IV - IMPLEMENTATION OF THE MONTREAL
CONVENTION FOR THE SUPPRESSION OF THE UNLAWFUL ACTS AGAINST
THE SAFETY OF CIVIL AVIATION

Sec. 401. This title shall be cited as the "Aircraft
Sabotage Act."

STATEMENT OF FINDINGS AND PURPOSE

Sec. 402. The Congress hereby finds that:

(a) The Convention for the Suppression of Unlawful Acts
Against the Safety of Civil Aviation (ratified by the United
States on November 1, 1972) requires all State parties to it to
establish jurisdiction over certain offenses affecting the safety
of civil aviation;

(b) Such offenses place innocent lives in jeopardy,
endanger national security, affect domestic tranquility, gravely
affect interstate and foreign commerce, and are offenses against
the law of nations;

(c) The purpose of this Title is to implement fully the
Convention for the Suppression of Unlawful Acts Against the
Safety of Civil Aviation and to expand the protection accorded to
aircraft and related facilities.

Sec. 403. (a) Section 31 of Title 18, United States Code, is
amended --

(1) in the first paragraph by

- 20 -

(A) striking out "and" before the term "spare part" and inserting "and 'special aircraft jurisdiction of the United States'" after the term "spare part "; and

(B) striking out "Civil Aeronautics Act of 1938" and inserting in lieu thereof "Federal Aviation Act of 1958";

(2) by striking out "and" at the end of the third undesignated paragraph thereof;

(3) by striking the period at the end thereof and inserting in lieu thereof"; and"; and

(4) by adding at the end thereof the following new paragraphs:

"In flight' means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property aboard; and

"'In service' means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight."

- 21 -

(b) Section 32 of Title 18, United States Code, is amended to read as follows:

"§32. Destruction of aircraft or aircraft facilities

"(a) Whoever willfully --

"(1) sets fire to, damages, destroys, disables, or interferes with the operation of or makes unsuitable for use any aircraft in the special aircraft jurisdiction of the United States or any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce;

"(2) places a destructive device or substance in, upon, or in proximity to any such aircraft, or any part or other materials used or intended to be used in connection with the operation of such aircraft;

"(3) sets fire to, damages, destroys, or disables any air navigation facility, or interferes with the operation of such facility, if such fire, damaging, destroying, disabling, or interfering is likely to endanger the safety of any such aircraft in flight;

"(4) with the intent to damage, destroy, or disable any such aircraft, sets fire to, damages, destroys, or disables or places a destructive substance in, upon, or in the proximity of, any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection

- 22 -

with the operation, maintenance, or loading, unloading or storage of any such aircraft or any cargo carried or intended to be carried on any such aircraft;

"(5) performs an act of violence against or incapacitates any individual on any such aircraft, if such act of violence or incapacitation is likely to endanger the safety of such aircraft in service;

"(6) communicates information that the communicator knows to be false, thereby endangering the safety of any such aircraft in flight; or

"(7) attempts to do anything prohibited under paragraphs (1) through (6) of this subsection -- shall be fined not more than \$10,000 or imprisoned not more than 20 years or both.

"(b) Whoever willfully -

"(1) performs an act of violence against any individual on board any civil aircraft registered in a country other than the United States while such aircraft is in flight, if such act is likely to endanger the safety of that aircraft;

"(2) destroys a civil aircraft registered in a country other than that the United States while such aircraft is in service or causes damage to such an aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight;

- 23 -

"(3) places or causes to be placed on a civil aircraft registered in a country other than the United States while such aircraft is in service, a device or substance which is likely to destroy that aircraft, or to cause damage to that aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight; or

"(4) attempts to commit an offense described in paragraphs (1) through (3) of this subsection -- shall, if the offender is later found in the United States, be fined not more than \$10,000 or imprisoned not more than 20 years, or both."

(c) Section 101(38)(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1301(38(d))), relating to the definition of the term "special aircraft jurisdiction to the United States", is amended --

(1) in clause (i), by striking out "; or " and inserting in lieu thereof a semicolon:

(2) at the end of clause (ii), by striking out "and" and inserting in lieu thereof "or;" and

(3) by adding at the end thereof the following new clause:

"(iii) regarding which an offense as defined in subsection (d) or (e) of Article I, Section I of the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, September 23,

- 24 -

1971) is committed if the aircraft lands in the United States with an alleged offender still on board; and".

(d)(1) Chapter 2 of Title 18, United States Code, is amended by adding at the end thereof the following new section:

"§36. Imparting or conveying threats

"Whoever imparts or conveys any threat to do an act which would be a felony prohibited by section 32 or 33 of this chapter or section 1992 of chapter 97 or section 2275 of chapter 111 of this title with an apparent determination and will to carry the threat into execution shall be fined not more \$5,000 or imprisoned not more than five years, or both."

(2) The analysis of chapter 2 of title 18 of the United States Code is amended by adding at the end thereof the following new item:

"36. Imparting or conveying threats."

Sec. 404. (a). Section 901 of the Federal Aviation Act of 1958 (49 U.S.C. 1471) is amended by adding at the end thereof the following new subsections:

"(c) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by subsection (i), (j), (k), or (l) of section 902 of this Act,

- 25 -

shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States.

"(d) Except for law enforcement officers of any municipal or State government or the Federal Government, who are authorized or required within their official capacities to carry arms, or other persons who may be so authorized under regulations issued by the Administrator, whoever while aboard, or while attempting to board, any aircraft in, or intended for operation in, air transportation or interstate air transportation, has on or about his person or his property a concealed deadly or dangerous weapon, which is, or would be, accessible to such person in flight shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States.

(b) Section 902(m) of the Federal Aviation Act of 1956 (49 U.S.C. 1472(m)) is amended to read as follows:

"(m)(1) Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a felony prohibited by subsection (i), (j), or (1)(2) of this section, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

- 26 -

(c) Subsection (a) of section 1395 of Title 28, United States Code, is amended by striking the period at the end of such subsection and adding the following: ", and in any proceeding to recover a civil penalty under section 35(a) of title 18 of the United States Code or section 901(c) or 901(d) of the Federal Aviation Act of 1958, all process against any defendant or witness may be served, regardless whether authorized under the Federal Rules of Civil Procedure, in any judicial district of the United States upon an ex parte order for good cause shown."

(d) The second sentence of section 903(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1473(b)(1)) is amended by striking out "Such" and inserting in lieu thereof "Except with respect to civil penalties under sections 901(c) and (d) of this Act, such".

TITLE V - IMPLEMENTATION OF THE INTERNATIONAL CONVENTION
AGAINST THE TAKING OF HOSTAGES

Sec. 501. This title shall be cited as the "Act for the Prevention and Punishment of the Crime of Hostage-Taking".

STATEMENT OF FINDINGS AND PURPOSE

Sec. 502. The Congress hereby finds that:

(a) the International Convention Against the Taking of Hostages (adopted by the United Nations, December 17, 1979) requires all States parties to it to prohibit the offense of hostage-taking as defined in the Convention;

- 27 -

(b) hostage-taking affects domestic tranquility, endangers national security, affects interstate and foreign commerce, and is an offense against the law of nations;

(c) the purpose of this title is to fully implement the International Convention Against the Taking of Hostages.

Sec. 503. (a) Section 1201 of title 18, United States Code, is amended --

(1) by deleting "or" at the end of subsection (a)(3);

(2) by deleting "," at the end of subsection (a)(4) and inserting "; or" in lieu thereof;

(3) by adding a new subsection (a)(5) after subsection (a)(4) as follows:

"(5) a threat is made to kill, injure or to continue to detain the person in order to compel a third party to do or abstain from doing any act as an explicit or implicit condition for the release of the person,";

(4) by amending subsection (d) to read as follows:

"(d) Whoever attempts to violate subsection (a)(4) or subsection (a) (5) shall be punished by imprisonment for not more than twenty years.";

(5) by amending subsection (e) to read as follows:

"(e) If the victim of an offense under subsection (a) is an internationally protected person, or if a threat is made to kill, injure, or to continue to detain the victim to compel a third party to do or abstain from

- 28 -

doing any act as an explicit or implicit condition for the release of the victim, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(38) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(38)).";

(6) by amending subsection (f) to read as follows:

"(f) In the course of enforcement of subsection (a)(4) or subsection (a)(5), and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4) or subsection (a)(5), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule or regulation to the contrary notwithstanding."; and

(7) by inserting a new subsection (g) to read as follows:

"(g) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, commonwealth, territory or posses-

- 29 -

sion of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law, nor shall anything in subsection (a)(5) of this section be construed as authorizing the United States to exercise jurisdiction over an offense occurring in the United States in which the alleged offender is the parent, child, spouse, brother or sister of any victim or in which the alleged offender and any victim live in the same household and are related by blood or marriage."

(b)(1) The heading of section 1201 of title 18, United States Code, is amended to read as follows:

"§1201. Kidnaping and hostage-taking".

(2) The analysis for chapter 55 of title 18, United States Code, is amended by deleting the item relating to section 1201 and inserting in lieu there of the following new item:

"1201. Kidnapping and hostage-taking."

Sec. 504. Paragraph (a) of section 2518(7) of title 18 of the United States Code is amended to read as follows:

"(a) an emergency situation exists that involves --

- 30 -

"(i) immediate danger of death or serious physical injury to any person.

"(ii) conspiratorial activities threatening the national security interest, or

"(iii) conspiratorial activities characteristic of organized crime,

that requires a wire or oral communication to be intercepted before an order authorizing such interception can, with due diligence, be obtained, and".

EFFECTIVE DATE

Sec. 505. Sections 501, 502, and 503 of this title shall become effective only when the International Convention Against the Taking of Hostages has come into force and the United States has become a party to it.

Section by Section Analysis

Title I - Acts of Terrorism

Section 101 adds a new section 971 to Title 18 to proscribe a conspiracy in the United States to murder, maim, kidnap or assault an official of a foreign power outside of the United States. The new section fills a void in the law that remains despite the provisions of 18 U.S.C. 1116 and 18 U.S.C. 956. 18 U.S.C. 1116 proscribes the murder or attempted murder of foreign officials, official guests, or internationally protected persons, and sections 112 and 1201(a)(4) proscribe, respectively, an assault upon or kidnapping of such persons. These statutes, however, apply only when the official guest or foreign official is in the United States or, in the case of an "internationally protected person," when the victim is outside of his own country or the offender is present in the United States. 18 U.S.C. 956 prohibits a conspiracy in the United States to commit certain types of property destruction in a foreign country with which the United States is at peace. It does not cover conspiracy to commit crimes against the person.

The new section 971 expands on section 956 to cover conspiracy to commit crimes against the person of high-level foreign officials. This type of crime is often committed by terrorists and is an offense as potentially harmful to our foreign relations as an attack on such a foreign official actually committed on American soil.

- 2 -

Section 971 would apply to conspiracies to commit one of the enumerated offenses against a foreign official where at least one of the conspirators is inside the United States. The other member or members of the conspiracy would not have to be in the United States nor would an overt act to carry out the conspiracy have to be committed in the United States. The section would apply, for example, to two individuals who consummated an agreement to kill a foreign official in a foreign country where only one of the conspirators was in the United States and the agreement was reached by telephone conversations or letters, and where all the overt acts were undertaken by the party in the foreign country. In such a case the agreement would be reached at least in part in the United States. The gist of the crime of conspiracy is, of course, the agreement to commit a crime plus an overt act in pursuance thereof. The overt act may be that of only one of the conspirators and need not itself be a crime.

Section 971 is limited to conspiracies to commit crimes against high echelon foreign officials because conspiracies against only such persons are felt to have serious foreign relations consequences. The foreign officials protected are the Chief of State or head of government of a foreign power, a cabinet officer or person of equivalent or higher rank of a foreign power, an ambassador of a foreign power, the chief executive officer of an international organization, any person who previously served in such a capacity, and any relative by blood or marriage who is a part of his household.

- 3 -

An international organization is defined as one of the international organizations in which the United States participates designated by the President as a public international organization pursuant to 22 U.S.C. 268 for purposes of entitlement to certain privileges and immunities.

Section 102 slightly revises subsection 956(a) of title 18 dealing with a conspiracy in the United States to destroy property in a foreign country. The revision is principally to eliminate the present requirements that the overt act to effect the object of the conspiracy be committed in the United States and that both conspirators have to be in the jurisdiction of the United States. As discussed in connection with the previous section, these requirements are not necessary, and their retention could unjustifiably result in serious foreign policy problems if they were to prevent federal prosecution of a conspiracy that has resulted in major property damage. In addition, the penalty is raised from the present maximum of three years imprisonment and a \$5,000 fine to ten years imprisonment and a \$50,000 fine. The increased punishment more accurately reflects the harm done to our foreign relations from such an offense.

The terms "airport" and "airfield" are added to the list of "public utilities" presently set out in section 956(a), the destruction of which must be the object of the conspiracy, since they are particularly attractive targets for terrorists.

- 4 -

Finally the phrase "public structure" is added to the list of targets to make it clear that the statute covers a conspiracy to destroy a structure where persons assemble for work -- such as a store, factory or office building -- or for purposes of government, education, religion, or entertainment, and that the phrase "public utility" does not limit the statute's application to a conspiracy to destroy such property as transportation lines or power generating facilities.

Title 11 -- Training, Supporting, and Inducing Terrorism

Section 201 of the bill adds a new section 972 in Chapter 45 of title 18 dealing with foreign relations entitled "Military and intelligence assistance to certain foreign governments, factions, and international terrorist group." This section is designed to prevent the harming of our foreign relations by United States nationals or businesses, or by other persons within the United States, who seek to provide training and technology to certain governments that support terrorism or to international terrorist groups. The President is given the authority to name the forbidden recipients of such training and technology by proclamation if he determines that their acts or support for international terrorism are such a threat to our national security, foreign relations, or the physical security of the persons or property of private United States entities that they should not benefit from American expertise used for such reprehensible ends. It is expected that few governments or groups will be named and the section is not intended to interfere with the legitimate international trade in which many United States suppliers of

- 5 -

services and technology engage. Rather, it is intended to complement the provisions of the Arms Export Control Act (AECA), 22 U.S.C. 2778, which authorize the President to control the importation and exportation of "defense articles and defense services" and to provide foreign policy guidance to United States persons involved in such importing and exporting.

Pursuant to the AECA, and comparable authority previously granted to the President under section 414 of the Mutual Security Act of 1974, the Department of State promulgated the International Traffic in Arms Regulations (ITAR) 22 CFR subchapter M. While the regulations specify a number of articles and technical data in relation thereto which are subject to control, the provisions in the ITAR do not generally encompass the "mercenary" type of activities such as the providing of training, logistical, and support services which would be covered by the new section.

Subsection (a) of the new section 972 makes it unlawful for any United States national, permanent resident alien, or business entity to perform any of several enumerated acts in aid of a foreign government, foreign faction, or international terrorist group named in a Presidential proclamation. The prohibited acts are to serve in or to act in concert with the armed forces or an intelligence agency of one of the named governments, factions, or group; to provide training for their armed forces or intelligence agencies; to provide logistical, mechanical, maintenance or similar services for their armed forces or intelligence agencies; or to recruit or solicit any person to do any of the above. The subsection also provides for extraterritorial jurisdiction over a

- 6 -

violation inasmuch as harm to our foreign relations or world peace can occur when Americans provide such aid overseas as well as domestically.

Subsection (b) is designed to cover persons who are not United States nationals or permanent resident aliens but who use the United States as a base from which to supply the technology of terrorism to certain other countries, foreign factions or international terrorist groups. It makes it unlawful to provide training in the United States to the armed forces or an intelligence agency of a foreign government, foreign faction, or international terrorist group named in a Presidential proclamation; to provide in the United States logistical, mechanical, maintenance or similar support services to their armed forces or intelligence agencies; or in the United States to recruit or solicit any person to do any of the above acts.

Subsection (c) sets out the penalty for a violation of the new section. It would extend to a fine of \$25,000 or an amount five times the total compensation received, whichever is greater, or imprisonment for up to ten years, or both, for each offense.

Subsection (d) is the triggering mechanism to implement the prohibitions of subsections (a) and (b). It provides that the President may, when he determines that it is warranted in the interests of national security, foreign relations, or the physical security of the person or property of United States private entities, issue a proclamation naming a foreign government, foreign faction, or terrorist group as one for which there is a ban on the provision of services described in subsections

- 7 -

(a) and (b). Any proclamation is to be published in the Federal Register and becomes effective immediately. Actual knowledge of the proclamation is not, however, an element of the offense and need not be proven. This subsection also provides for Presidential revocation of the proclamation by similar publication in the Federal Register.

As indicated, it is expected that few governments, factions or terrorist groups will be named pursuant to this section, which is limited to addressing the problems of United States nationals or business entities providing the technology of terrorism for use abroad and of the United States being used by foreigners for such a purpose. The fact that a foreign government, faction, or terrorist group is not listed in a proclamation under this section is of no significance in other contexts. For example, the fact that a government, faction, or group is not named in, or is removed from, a Presidential proclamation under the new section 972 of title 18 would have no bearing on whether an Executive Branch official could certify under the provisions of the Foreign Intelligence Surveillance Act, 50 U.S.C. 1801 et seq., that it was a proper target for surveillance under the terms of the Act, nor would the omission or removal of such a group from a proclamation in any way affect any order of the Foreign Intelligence Surveillance Court authorizing surveillance of it.

- 8 -

Subsection (e) provides that any finding of fact made in a Presidential proclamation under subsection (d) shall be conclusive and no question concerning the validity of the proclamation may be raised by a defendant at a trial or hearing.

Subsection (f) provides for an affirmative defense for any act committed by a person outside of the United States within thirty days of a proclamation affecting his activities if the act is performed pursuant to an agreement or other contractual relationship entered into prior to the effective date of the proclamation. This underscores the fact that the section is not designed to interfere with legitimate overseas business interests and that there are persons who make their livings by exporting military and intelligence training and expertise. Moreover, the failure of these persons to perform services already agreed upon could, in certain overseas situations, expose them to physical danger. Therefore, once the President determines that such activities with respect to a particular country or group adversely affect our national security or foreign relations, or the physical security of the person or property of United States private entities, a provider of such services would have thirty days to terminate this overseas activity and must cease affected operations in the United States at once.

Subsection (g) provides for the criminal forfeiture of property constituting or derived from the proceeds obtained as a result of a violation of the section and of property used or

- 9 -

intended to be used in the commission of a violation. The procedures used in the forfeiture action are to be governed by the provisions of 18 U.S.C. 1963, the RICO forfeiture provisions.

Subsection (h) provides that the section shall not be construed to prohibit the providing of medical supplies or medical training for humanitarian purposes.

→ Subsection (i) provides that properly authorized and conducted intelligence activities of the federal government are excluded from the section's coverage.

Subsection (j) provides definitions for such items as "foreign government," "faction," "international terrorist group," "international terrorism," "national of the United States," and "permanent resident alien of the United States." Where possible, existing statutory definitions for these terms are employed. For example, "foreign government" is defined by reference to 18 U.S.C. 1116(b)(2) which defines the term as the "government of a foreign country, irrespective of recognition by the United States." Because the focus of the new section is on international terrorism, and "international terrorist group" is defined as one which engages in "international terrorism," which term in turn is defined by reference to the Foreign Intelligence

- 10 -

Surveillance Act of 1978 (50 U.S.C. 1801 (c)).^{1/} That section casts the definition in terms of violent acts or acts dangerous to human life that would be a criminal violation if committed within the jurisdiction of the United States or of any state and are intended to intimidate or coerce a civilian population or influence or affect the policies of a government by intimidation, coercion, kidnaping or murder.

^{1/} 50 U.S.C. 1801 (c) provides:

"(c) 'International terrorism' means activities that --

(1) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or any State;

(2) appear to be intended --

(A) to intimidate or coerce a civilian population;

(B) to influence the policy of a government by intimidation or coercion; or

(C) to affect the conduct of a government by assassination or kidnapping; and

(3) occur totally outside the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to coerce or intimidate, or the locale in which their perpetrators operate or seek asylum.

- 11 -

The term "United States business entity" defines those American business groups which cannot furnish services or training proscribed by section 972 to a foreign government, foreign faction, or international terrorist group listed in a Presidential proclamation issued pursuant to subsection (d). It does not include the foreign subsidiary corporations of U.S. corporations. It is thus limited to those business entities which the United States has the ability to control directly and avoids the delicate issue of interference in the domestic affairs of foreign countries. American nationals and permanent resident aliens who work for foreign corporations would, however, still be personally precluded from furnishing such services on behalf of their employer to any named country, faction, or group.

"Private entity of the United States" is defined so as to include as the possible victims of terrorist attacks any national or permanent resident alien of the United States, any employee or contractor of the United States Government (regardless of nationality) if the act of terrorism is brought about by virtue of such relationship to the United States, any unincorporated association of United States nationals or permanent resident aliens, and any corporation incorporated within the United States and its foreign subsidiaries. Thus the term "private entity" is intended to protect the commercial, religious, educational, and recreational activities and interests engaged in by the American people outside the United States. Where the "victim" of the terrorist activity overseas is the U.S. Government, its property, or its officials, such coverage is primarily encompassed within

- 12 -

the terms "national security" or "foreign relations" of the United States. The three criteria, however, are not totally separate and overlap in many respects. Together, however, they are intended to describe the totality of the overseas interests of both the nation and its people. Foreign subsidiaries of U.S. corporations are specifically covered because they are often the targets of terrorist attacks.

Section 202 of the bill adds a new section 918 to title 18 to create the offense of falsely posing as an officer, employee, or as a person otherwise acting in concert with a United States, intelligence agency, such as the CIA, and in that capacity inducing or persuading another person to commit a crime due to a belief that the act was a properly authorized intelligence operation. The important work and reputation of United States intelligence agencies is harmed by such false personation, and crimes committed in the belief that they were, in effect, ordered by the United States necessarily have a serious impact on our foreign relations. The existing personation statutes in chapter 43 of title 18 do not completely cover this offense. While 18 U.S.C. 912 proscribes pretending to be an officer or employee of the United States if one "acts as such," this section is limited to officers and employees and may not cover persons claiming to be otherwise affiliated with an intelligence agency. Moreover, the penalty for a violation of present section 912 is only a \$1,000 fine and three years' imprisonment, which is not

- 13 -

sufficient for the harm done by one who poses as a United States intelligence operative and in that capacity requests another person to commit a crime.

Subsection 918(a) sets out the new offense. It prohibits any person from falsely posing as an officer or employee of, or falsely claiming he is acting under the authority of or in concert with an agency of the United States Intelligence Community and in such a false role requesting or inducing any other person to commit an offense against the United States punishable by imprisonment for one year or more, an offense against a state of the United States punishable by imprisonment for one year or more, an offense against a foreign government so punished under foreign law, or an overt act to facilitate the commission of such an offense. The gist of the offense is posing as an intelligence operative to induce or persuade another person to commit an act that would constitute an offense punishable by imprisonment for a year or more under any law -- federal, state, or foreign -- applicable at the place where it is committed or intended to be committed, or an overt act to facilitate the commission of such an offense. The overt act itself need not be an offense. For example, the subsection would cover the actions of X in New York City who falsely claimed he was a CIA agent in an attempt to get Y to steal or lawfully rent a car to use in a kidnaping plot in Mexico. The penalty is imprisonment for up to ten years and a fine of up to \$50,000.

- 14 -

Subsection (b) prohibits two defenses. First, it is not a defense that the offense or act requested or induced did not actually take place or was not even attempted. The offense is complete when the person posing as an intelligence operative requests another person to commit the offense or an overt act to facilitate its commission, or acts in any manner to persuade him to do so. Second, it is not a defense that the intelligence agency that the person falsely claims to be acting for or in concert with had no authority to order, induce, or otherwise participate in the requested crime.

Subsection (c) provides that there is extraterritorial jurisdiction over a violation of subsection (a). Thus, any person, including a foreign national who falsely claims to be an officer or employee of or affiliated with one of the United States intelligence agencies for the purpose of inducing one of the described offenses, whether in this country or abroad, would be subject to the section.

Subsection (d) lists the agencies within the United States Intelligence Community whose integrity from interlopers is covered by this section. They are the Central Intelligence Agency; the National Security Agency; the Defense Intelligence Agency; the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs; the Bureau of Intelligence and Research of the Department of State; and the intelligence elements of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation, the Department of the Treasury, and the Department

- 15 -

of Energy. This list of agencies is the same as that set forth in Part 3.4 (f) of Executive Order 12333 of December 4, 1981, 3 CFR p. 200, 215, providing for the effective conduct of United States intelligence activities.

TITLE III - Rewards for Information Concerning Terrorism

Title III deals with rewards for persons who provide information concerning acts of terrorism. Section 301 adds a new chapter 204 to title 18 entitled "Rewards for Information Concerning Terrorist Acts." The new chapter consists of eight sections, 3071-3078. The chapter is closely related to and patterned after a similar reward provision for persons who provide information concerning the unauthorized acquisition or manufacture of atomic weapons and special nuclear materials, 50 U.S.C. 47a-47f. It provides for a determination by the Attorney General that certain persons are entitled to rewards for furnishing information about specific acts of terrorism. Rewards would then be paid out of funds appropriated for the Department of Defense since the rewards provision is principally, although not exclusively, to protect Defense Department property or personnel which are especially attractive targets for terrorists.

Section 3071 provides that any person who furnishes information of one of three types may be given a reward. Whether a reward is paid is totally discretionary with the Attorney General although he is required to receive the advice of the Secretary of Defense since Defense Department funds are involved, and in certain cases involving large rewards the President must make the

- 16 -

final determination. The three types of information that may warrant the payment of a reward are, first, that which leads to the arrest or conviction in any country of any person for the actual commission of an act of terrorism against a United States person or United States property; second, information leading to the arrest or conviction in any country of any person for a conspiracy or an attempt to commit an act of terrorism against a United States person or United States property; and third, information leading to the prevention of an act of terrorism against a United States person or property.

Section 3072 provides that the Attorney General shall make the determination as to whether a particular person is entitled to a reward after advising and consulting with the Secretary of Defense. In a case of international terrorism the Attorney General is also required to advise and consult with the Secretary of State, but the decision of the Attorney General is always final. Rewards of \$100,000 or more may only be made after the Attorney General receives the approval of the President, a feature also found in the Atomic Weapons and Special Nuclear Materials Rewards Act.

Section 3073 is included because an alien who provides information concerning terrorism may be in severe danger of retaliation in his own country. Hence, this section provides that if the information for which a reward is authorized is furnished by an alien, the Attorney General, again after consulting with the Secretary of State, may admit the alien and members of his immediate family into the United States as

- 17 -

permanent resident aliens notwithstanding the requirements of the Immigration and Nationality Act. It is anticipated that not many individuals will be admitted under this provision and that the Attorney General will use extreme caution in exercising this authority.

Section 3074 authorizes the Attorney General to hold hearings and make necessary rules for carrying out the provisions of the chapter. However, he is not required to establish set rules or to follow such rules in all cases but may decide appropriate cases on an ad hoc basis. The provisions of the Administrative Procedure Act, the Privacy Act, and the Freedom of Information Act are specifically made inapplicable to this chapter.

Section 3075 provides that rewards granted under this chapter shall be certified and transmitted to the Department of Defense for payment. If necessary to protect the recipient and his family, information concerning his identity may be sealed and withheld from public and unnecessary internal disclosures.

Section 3076 provides that government employees who furnish information concerning terrorism in the performance of their official duties are not eligible for a monetary reward under this chapter. They would, however, be eligible for the provisions allowing admission into the United States (Section 3073) and participation in the Witness Protection Program (Section 3077).

- 18 -

Section 3077 provides that an individual who furnishes information which would justify a reward under this chapter may be given the benefit of the Witness Protection Program in the discretion of the Attorney General.

Section 3078 contains definitions that apply to the new chapter. The definitions of "terrorism" and "international terrorism" closely follow the definition of "international terrorism" in the Foreign Intelligence Surveillance Act, 50 U.S.C. 1801(c). The same definition is used to define "international terrorism" in Title II of the bill. As in that title, the definition of "terrorism" is cast in terms of violent or dangerous acts that would be crimes if committed in the United States and that are committed to intimidate or coerce a civilian population or to influence the policy or conduct of a government or political subdivision of a government by intimidation or coercion. "International terrorism" is defined as an act of terrorism that transcends international boundaries in terms of the means by which it is accomplished, the persons or entity it appears intended to coerce or intimidate or the locale in which the perpetrators operate or seek asylum.

The term "United States person" is defined to include citizens, persons owing permanent allegiance to the United States, any person in the United States, permanent resident aliens, United States government employees or contractors who are victims or intended victims of terrorism because of their